

REMARKS

New claims 16-27 are submitted under 37 C.F.R. § 1.607 in order to place the case in position to have an interference declared between the subject application and U.S. Patent No. 6,051,545 ("545 patent"), and any pending continuation or divisional application thereof. A copy of the '545 patent is provided herewith as Exhibit 1, and was filed with the Information Disclosure Statement and Form PTO-1449 dated February 21, 2001.

Pursuant to 37 C.F.R. § 1.607(a)(2), Applicants present the following proposed count:

1. A detergent tablet selected from the group consisting of the tablets according to claim 1 or 2 or 16 or 17 or 26 or 27 of the present application (S.N. 09/380,739) and claim 1 or 2 or 4 of the '545 patent.

Applicants submit that claims 1-15 of the '545 patent correspond to the proposed count. Claims 16-27 of the instant application correspond to the proposed count. Newly added claims 16-27 are supported by the specification as follows:

Claim 16

A tablet of cleaning composition comprising a laundry detergent component and granules of a cellulose component, said granules having a particle size of from 200 μm to 6000 μm . Page 14, claim 1
Page 8, second paragraph

Claim 17

A tablet according to claim 16, wherein the granules of the cellulose component have a particle size of from 300 μm to 1500 μm . Page 8, second paragraph.

Claim 18

A tablet according to claim 16, wherein the cellulose component is compacted prior to its admixture with the detergent component. Page 5, first paragraph

Claim 19

A tablet according to claim 19 wherein the mechanical wood pulp is thermo-mechanical derived wood pulp.

Page 10, second and third full paragraphs

Claim 20

A tablet according to claim 19 wherein the mechanical wood pulp is chemo-thermo-mechanical derived wood pulp.

Page 10, second and third full paragraphs

Claim 21

A tablet according to claim 16, wherein the cellulose component comprises 3 to 6 wt %, by weight of the tablet.

Page 8, third paragraph

Claim 22

A tablet according to claim 16, wherein the cellulose component has a coating comprising a surfactant.

Page 9, third full paragraph

Claim 23

A tablet according to claim 24, wherein the surfactant coating comprises 0.5 to 5 wt %, by weight of the tablet.

Page 9, third full paragraph

Claim 24

A tablet according to claim 16, wherein the granules of the cellulose component are aggregates of cellulose particles having a particle size of 20 μm to 200 μm .

Paragraph bridging pages 5 and 6; page 14, claim 2

Claim 25

A tablet according to claim 26, wherein the granules of the cellulose component are aggregates of cellulose having a particle size of from 40 μm to 60 μm .

Paragraph bridging pages 5 and 6; page 8, first paragraph; page 14, claim 2

Claim 26

A process for making a tablet as claimed in claim 16 which comprises pressing a mixture of the detergent component with the cellulose component in a dry condition.

Paragraph bridging pages 9 and 10

Claim 27

A process for making a tablet as claimed in claim 16 which comprises pressing a mixture of the detergent component with the cellulose component in a moist condition.

Paragraph bridging pages 9 and 10

As indicated above, claims 16-27 find clear support in the present application. In addition, each corresponds to the proposed count, as do claims 1-15 and as does each claim of the '545 patent. Furthermore, claims 16-27 claim substantially the same subject matter as pending claims 1-15 and claims 1-20 of Applicants' priority application DE 197 09 991 A1 (being submitted herewith). Hence the requirements of 35 U.S.C. §135(b) are met by claims 16-27.

The following table identifies the correspondence between the claims.

<u>Claims 16-27</u>	<u>Claims 1-15</u>	<u>Claims 1-20 of Priority Application</u>
16	3	7
17	8	4
18	1	3
19	13	17
20	14	18
21	5	9
22	9	13
23	10	14
24	2	5
25	2	5
26	12	16
27	12	16

Under 37 C.F.R. § 1.607, a count should be broad enough to encompass all the claims designated to correspond to the count. As explained in the Gerhard Blasey Declaration provided herewith as Exhibit 2, the instant application and the '545 patent disclose and claim the same patentable invention, albeit in different terms.

(a) Applicants' disintegration agents' preferred particle size range of 300 to 1500 micrometers is substantially equivalent to an average particle dimension range of 500 to 1400 micrometers recited in claim 1 of the '545 patent (Blasey Declaration, paragraphs 12-14);

(b) The cellulose disintegration agents described in the instant application are substantially nonionic, water-insoluble, water swellable and polymeric, as recited in claim 1 of the '545 patent (Id., paragraphs 6-8, 11, 15);

(c) Disintegration agents described in the instant application are aggregates of smaller particles with a particle dimension not exceeding 200 micrometers in size, as recited in claims 2 and 4 of the '545 patent (Id., paragraph 16);

(d) Disintegration agents described in the instant application are polysaccharides, as recited in claim 3 of the '545 patent (id., paragraph 9); and

(e) Such polysaccharides are not only substantially nonionic, but nonionic to the degree that the charge density of such polymer does not exceed 10^{-3} (id., paragraph 15).

The effective filing date of the instant application, based on German priority patent application No. 197 09 991, is March 11, 1997, which is prior to the effective filing date of the '545 patent. Accordingly, Applicants request that an interference be declared between the instant application and the '545 patent and any continuing application thereof.

Applicants also wish to bring to the Examiner's attention the following applications of Lever Brothers Company, the assignee of the '545 patent, that disclose and claim subject matter related to the subject matter of the '545 patent:

- (1) International Patent Application WO 98/55582, published December 10, 1998, which claims as priority European Patent application No. 97303924, filed June 6, 1999;
- (2) International Patent Application WO 98/55590, published December 10, 1998, which claims as priority Great Britain patent application No. 9711829, filed June 6, 1997; and
- (3) WO 98/55583, published December 10, 1998, which claims as priority GB 97 11831, filed June 6, 1997. The '545 patent issued from an application claiming as priority WO 98/55583.

Applicants have become aware of these applications after their publication. Applicants assume that U.S. counterpart applications may have been filed with claims the same as or similar to the International Applications, including another application based on International Application WO98/55583. The claimed subject matter of these applications (based on the claims of the International Applications) is not patentably distinct from the claimed subject matter of the instant application. Copies of International Patent Applications WO 98/55582 and WO 98/55590 are provided herewith (as Exhibits 3 and 4, respectively), and were filed with the Information Disclosure Statement and Form PTO-1449 dated February 21, 2001.

Applicants' assignee is also the owner of pending U.S. application S.N. 09/396,549 ^{~ 6506720} ("549 application"), entitled "Household Detergent of Cleaning Action Shaped Bodies" filed September 3, 1999, which claims priority from German Patent Application No. 197 10 254, filed March 13, 1997. The '549 application has overlapping inventorship with the instant application. An investigation has determined that priority of invention and correct inventorship lies with the

instant application. Applicant's assignee will be filing an amendment in the '549 case to claim subject matter patentably distinct from the instant application and the '545 patent. The request for an interference with the '545 patent in the '549 case will be withdrawn.

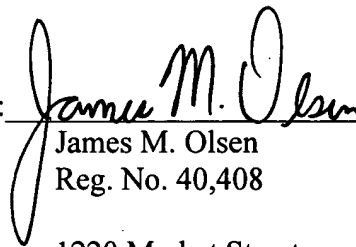
If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 03-2775. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

CONNOLLY BOVE LODGE & HUTZ LLP

Dated: July 24, 2001

By:



James M. Olsen
Reg. No. 40,408

1220 Market Street
Post Office Box 2207
Wilmington, Delaware 19899-2207
(302) 658-9141